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Notice of Allowability

Application No.

09/706,914

Examiner

Qamrun Nahar

Applicant(s)

DWYER, LAWRENCE

Art Unit

2124

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 5/25/04.
2. ☒ The allowed claim(s) is/are 21-43.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Art Unit: 2124

1. This action is in response to the amendment filed on 5/25/04.
2. The objections to the drawings are withdrawn in view of applicant's amendments.
3. The objections to claims 35, 38, 40, 41 and 42 are withdrawn in view of applicant's amendments.
4. The rejection under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement to claims 21-43 is withdrawn in view of applicant's amendments.
5. The rejection under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement to claims 21-43 is withdrawn in view of applicant's amendments.
6. The rejection under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling to claims 21-43 is withdrawn in view of applicant's amendments.
7. The rejection under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention to claims 21-43 is withdrawn in view of applicant's amendments.
8. The rejection under 35 U.S.C. 102(b) as being anticipated by Agarwal (U.S. 5,966,541) to claims 21-24, 28-30, 34-37 and 41-43 is withdrawn in view of applicant's amendments and remarks/arguments.
9. The rejection under 35 U.S.C. 103(a) as being unpatentable over Agarwal (U.S. 5,966,541) in view of Brunmeier (U.S. 5,511,164) to claims 25-27, 31 and 38-40 is withdrawn in view of applicant's amendments and remarks/arguments.
10. The rejection under 35 U.S.C. 103(a) as being unpatentable over Agarwal (U.S. 5,966,541) in view of Veldhuizen (U.S. 5,835,771) to claims 32-33 is withdrawn in view of applicant's amendments and remarks/arguments.

11. Claims 21, 28, 35 and 38-43 are amended.
12. Claims 21-43 are pending.
13. Claims 21-43 are allowed.

EXAMINER'S AMENDMENT

14. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Raymond W. Armentrout (Reg. No. 45,866) on August 11, 2004.

The application has been amended as follows:

In the Claims:

21. (Currently Amended) A method of providing recovery from an error condition during initialization of a generated program code, comprising the steps of:
 - calling a generated function code;
 - testing an assertion in the generated function code, such that when the assertion is false, the generated function code performs the steps of:
 - generating a hidden failure code;
 - returning to the generated program code; and

returning the hidden failure code to the generated program code;
and such that when the assertion is true, the generated function code performs the steps
of:

continuing processing of the generated function code; and
returning to the generated program code when the processing of the generated
function code is completed; and

inserting an error recovery code into the generated program code when error recovery is
enabled and when the hidden failure code is returned, the step of inserting performed by the
generated program code.

43. (Currently amended) A computer-readable medium for providing recovery from an error
condition in a generated program code, comprising:

logic that calls a generated function code;

logic that tests an assertion in the generated function code, such that when the assertion is
false, the generated function code generates a hidden failure flag, returns to the generated
program code, and returns the hidden failure flag to the generated program code; and such that
when the assertion is true, the generated function code continues processing of the generated
function code and returns to the generated program code when the processing of the generated
function code is completed;

logic that resets the hidden failure flag in conjunction with inserting an error recovery
code into the generated program code; and

logic that inserts the error recovery code into the generated program code when error recovery is enabled and when the hidden failure flag is returned.

- END -

REASONS FOR ALLOWANCE

15. The following is an examiner's statement of reasons for allowance:

The cited prior art taken alone or in combination fail to teach, in combination with the other claimed limitations, testing an assertion in the generated function code, such that when the assertion is false, the generated function code performs the steps of: generating a hidden failure code; returning to the generated program code; and returning the hidden failure code to the generated program code as substantially recited in independent claims 21, 35 and 43.

The closest cited prior art, Agarwal (U.S. 5,966,541) teaches a method of providing recovery from an error condition during initialization of a generated program code as substantially recited in independent claims 21, 35 and 43. However, Agarwal fails to teach testing an assertion in the generated function code, such that when the assertion is false, the generated function code performs the steps of: generating a hidden failure code; returning to the generated program code; and returning the hidden failure code to the generated program code as substantially recited in independent claims 21, 35 and 43 and as pointed out by the applicant's remarks/arguments on pg. 8, par. 4, lines 1-11 to pg. 9, par. 1, lines 1-6; and pg. 10, par. 1, lines 2-4 to par. 2, lines 1-13.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

16. Any inquiry concerning this communication from the examiner should be directed to Qamrun Nahar whose telephone number is (703) 305-7699. The examiner can normally be reached on Mondays through Thursdays from 9:00 AM to 6:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki, can be reached on (703) 305-9662. The fax phone number for the organization where this application or processing is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Qamrun Nahar
August 11, 2004

Kakali Chaki

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